

JUL 13 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JOHN F. CORCORAN, CLERK  
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ROY M. TERRY, JR. <i>et al</i> ,	)	CIVIL ACT. NO. 3:04CV00065
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<u>ORDER</u>
	)	
WERNER SCHWANDT,	)	
	)	JUDGE JAMES H. MICHAEL, JR
Defendant	)	

On May 25, 2005, the Receiver filed a motion for partial summary judgment on five grounds. On May 26, 2005, Magistrate Judge B. Waugh Crigler issued an order amending the pretrial schedule, setting deadlines for discovery and dispositive motions. In accordance with this schedule, the Magistrate Judge also issued a Report and Recommendation on June 2, 2005, recommending that the court deny the Receiver's motion for partial summary judgment without prejudice to renew upon completion of discovery and in accordance with the new scheduling order. After a careful review of the entire record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, *see* Fed. R. Civ. P. 72(b), the court accepts the Magistrate Judge's Report in its entirety. It is accordingly this day

ADJUDGED, ORDERED, and DECREED

as follows:

1. The Magistrate Judge's Report and Recommendation, filed June 2, 2005, shall be, and it hereby is, ACCEPTED in its entirety;

2. The Receiver's motion for partial summary judgment, filed May 25, 2005, is hereby DENIED without prejudice to renew upon completion of discovery and in accordance with the new scheduling order.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED:

*John H. Michael, Jr.*  
Senior United States District Judge  
7/13/05  
Date